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PRESERVING ACCESS TO JUSTICE TASK FORCE REPORT – UPDATED FEBRUARY 2009



THE CERTIFIED SHORTHAND REPORTER [CSR] – PRESERVING ACCESS TO JUSTICE

Have you ever been curious about what a Certified Shorthand Reporter [CSR] is and why they type on those archaic-looking machines in courtrooms and deposition offices across the State of California? Do you ever wonder why people don't just use tape recorders?

If so, this packet will provide you a brief overview about why CSRs are essential in the courtroom/deposition setting, in the classroom, in townhall meetings, on television, and just about anywhere a verbatim record is vital to protect an individual's rights or provide the hard of hearing with vital, perhaps life-saving information.

After becoming familiar with the strict certification process to become a CSR, the advanced technology used by CSRs, what other forms of record keeping are on the market, and the costs of using an inferior form of record keeping, the California Official Court Reporters Association [COCRA] is convinced you will agree - **CSRs are the preferred, most cost-effective means of obtaining an accurate and verbatim record.**

What does a CSR actually do to make a record? CSRs type up to a minimum of 220 words per minute on a machine called a Stenograph. The CSR is able to differentiate speakers while reporting, is well versed in the technical terms which may come up during any kind of proceeding, will interrupt the proceedings to ensure against parties speaking over one another, will provide instant readback of any portion of the record, and will produce a more accurate and cost-effective transcript than any other form of record keeping.

Where do you see the skills of a court reporter utilized? Well, the easiest answer is in a courtroom, doctor's office, or deposition environment.

If a CSR has additional training as a realtime CSR, he/she can create a verbatim text record of what is being said for instant review. Realtime is the "only voice-to-text technology that meets the rigorous demand for accuracy that exists in the legal

environment."¹

A realtime CSR's skills are utilized not only in the legal environment but in many settings where it is necessary for the hard of hearing to obtain information important and, at times, vital to their well being in the form of closed-captioning for local and national television studios during news reports, during special emergency broadcasts, and during various other programming offered to the hard of hearing throughout the U.S.

After three to four years of training at an accredited school, CSRs are certified by the Department of Consumer Affairs through the Court Reporters Board of California. The Department's mission is as follows:

"The mission of the Court Reporters Board is to protect the public health, safety and welfare by ensuring the integrity of judicial records through oversight of the court reporting profession. The CRB carries out this mission by testing, licensing and disciplining court reporters, and by recognizing the schools of court reporting that meet state curriculum standards."²

COCRA developed this packet out of necessity. In February of 2008, the Legislative Analyst's Office [LAO] suggested to our California legislators that implementing electronic recording into our California courtrooms would save millions of dollars to California taxpayers.

Their information was not accurate, as they did not consider all the production costs provided by the CSRs or the many other facts stated throughout this packet.

The LAO advocated the outsourcing of transcription of court proceedings to contracted transcription services as an additional cost-saving measure. In citing the cost-effectiveness of this move, they relied on a **17-year-old pilot project conducted in limited jurisdiction proceedings and a 1986 demonstration project.**

"Electronic Reporting is a Well-Established, Cost-Effective Practice. Electronic court reporting is in widespread use in many state and Federal courts, including the U.S. Supreme Court. Moreover, electronic court reporting was demonstrated to be cost-

¹ National Court Reporters Association, "CORE Messages," July 2008

² <http://www.courtreportersboard.ca.gov/>, August 2008

effective in a multiyear pilot study carried out in California courts between 1991 and 1994. Chapter 373, Statutes of 1986 (AB 825, Harris), enacted a four-year demonstration project to assess the costs, benefits, and acceptability of using audio and video reporting of the record except in criminal or juvenile proceedings.”³

The information in this COCRA packet is current and **based on fact, not speculation**. Please support your certified shorthand reporters who utilize the most advanced form of technology available today and continue to provide a cost-effective, timely, accurate, and reliable work product to attorneys, judges, and the public.

Truly,

-THE COCRA TEAM

³ Analysis of the 2008/09 Budget Bill: Criminal Justice, Judicial Branch (0250), February 2008, http://www.lao.ca.gov/analysis_2008/crim_justice/cj_anl08003.aspx#zzee_link_1_1202846137

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TOP 10 REASONS WHY CERTIFIED SHORTHAND REPORTERS [CSRs] ARE BEST AT MAKING AN ACCURATE RECORD

1. Court reporters are more productive in transcript preparation. The costs of transcript preparation have been contained to a 325% increase over the last 100 years, compared to a 2,000% increase in the Consumer Price Index.
2. CSRs are held to strict certification standards set by the Department of Consumer Affairs - The Court Reporters Board of California and undergo three or more years of academic and skills training.
3. CSRs must earn continuing education hours as mandated by the Administrative Office of the Courts pursuant to California Rules of Court 10.474.
4. CSRs working in Superior Court in the State of California store and maintain all proceedings for a period of ten years.
5. CSRs have the ability to exclude off-the-record conversations from the transcript - such as side bar conversations or matters already transcribed and entered as exhibits; e.g., audio police recordings.
6. CSRs sort and discriminate between testimony and background noise, such as sirens, coughing, inaudible, or heavily accented speech.⁴
7. CSRs produce transcripts of proceedings digitally and on paper.
8. CSRs can provide realtime translation of proceedings on computer screens in court or in depositions. This service allows individuals to follow along word for word with the proceedings. Audio and video systems produce only [audio] recordings.⁴
9. Court reporters can provide CART (Communication, Access, Realtime Translation) for one-on-one captioning in the courtroom. This aids in reviewing testimony and provides access for attorneys, judges, or witnesses who are hard-of-hearing, thus meeting the requirements of the Americans with Disabilities Act. Audio and video systems produce only [audio] recordings.⁴
10. CSRs have three to four forms of backup, thereby greatly reducing the chance of losing any data.

⁴ National Court Reporters Association, "CORE Messages," July 2008

WHAT OTHER TECHNOLOGY IS OUT THERE?

Only the fastest and most accurate technology is used by CSRs. Realtime services are at the forefront of the global technology boom.

Digital/audio companies have shown improvement in their technology. No matter how far they advance, their technology will not produce voice-to-text translation.

Below are examples of recording equipment available in today's environment.

SPEECH RECOGNITION: Voice Automated –

In the last few years, speech recognition has made vast improvements in technology. Trained to recognize one voice, the speech recognition software has the ability to type documents at a fairly accurate pace. The software continues to develop as it recognizes nuances in its owner's speech patterns.

The owner of Voice Automated, a leader in speech recognition software, had the following to say after an interview on October 29th, 2007, with Todd Olivas of Todd Olivas & Associates.

"What people do not understand about speech recognition is that it is not artificial intelligence...It would be great if [speech recognition software] could just listen to each individual person and understand who was talking and who was not talking and when to start and when to stop transcribing...where [speech recognition] breaks down is obviously in multi-user environments."⁵

DIGITAL RECORDING EQUIPMENT: WAVTEXT –

WavText is offered as a "bulletproof system" with multiple backups. The employee/monitor receives three days' training and is expected to perform in legal

⁵ Olivas, Todd, <http://tinyurl.com/5w7cty> "The Court Reporter vs Speech Recognition and Artificial Intelligence", October 29, 2007

environments where certified, highly-skilled CSRs provide reporting services. Monitors timestamp, indicate non-verbal communication, identify speakers, identify exhibits, and other details necessary to produce a transcript. WavText has the ability to do remote video conferencing.

As stated in the WavText three-minute video clip at www.wavtext.com, their company, WavText, will make a lot more money in half the time, thus giving any WavText proprietor the ability to "hang out at the beach or on the golfcourse."⁶

You, the client, will pay more for less service and a less-skilled workforce. Consider the costs for the monitor who received three days' training; the transcriptionist who types the day's proceedings, at an hourly rate much higher than that of a CSR*; and the proofreader.

If realtime is required or requested by a client, WavText must obtain the services of a realtime court reporter, as they are the only technology able to provide instant voice-to-text translation.

Other companies include FTR Gold and CourtSmart. Both use digital recording methods, a better recording than analog cassette tapes. However, the quality of the transcripts produced using CourtSmart, FTR Gold, WavText and other digital recordings have proven CSRs are the most cost effective, technologically advanced form of transcript production available.**

*Please refer to pages 17 - 19, "Transcribers Rates – How Much Money Would You Save Switching to Digital Recording?"

**Please refer to pages 12 – 13, "Digital Recording Mishaps."

ANALOG AUDIO RECORDING EQUIPMENT:

This method of recording the spoken word during a proceeding requires microphones to be strategically placed in the room, a multi-track audio tape recorder, multiple audio tapes for each day's proceeding, and a large warehouse to store the many audio tapes. It requires a monitor to make sure the equipment is running properly. All parties in a case must speak directly into the microphones provided or their testimony may not be recorded. Cross-talk must be avoided, as the audio equipment will record it as garbled

⁶ WavText, <http://www.WavText.com> "3-Minute Video," accessed August 29, 2008

noise.

While the costs seem minimal at first, many, including The Office of the State Court Administrator from Denver, Colorado, have found the following statement to be true:

"...the court runs the risk of losing the record of the proceedings entirely, either due to equipment failure or failure to turn the system on prior to each hearing. If the record is completely lost, the court is faced with retrying a matter, driving unnecessary costs to both the courts and the litigants."⁷

VIDEO RECORDING EQUIPMENT:

Video recording systems capture both the verbal and visual proceedings. It is similar to analog audio recording; the equipment is similar and the risk of loss may create unnecessary costs to the agency/employer.

"Nationwide, appellate courts have been reluctant to accept video as the official record due to its negative impact on their operations. This creates a need to provide written transcript from the video."⁸

After thorough examination, the State Court Administrator from Denver recommended using court reporters.

"Part of the intangible benefit provided by [CSRs] reporters is the mitigation of the risk of loss of the trial record. In addition, the Branch would not recommend pursuing any option of reducing copy rates that would negatively impact its ability to attract and retain professional [CSRs] reporters."⁹

⁷ The Office of the State Court Administrator, "Court Reporting Study: A Study of Available Methods for Taking the Record," p. 4, October 2001

⁸ The Office of the State Court Administrator, "Court Reporting Study: A Study of Available Methods for Taking the Record," p. 5, October 2001

⁹ The Office of the State Court Administrator, "Court Reporting Study: A Study of Available Methods for Taking the Record," p. 14, October 2001

PROFESSIONAL AND FINANCIAL COST ANALYSIS - IS IT WORTH IT?

THE CERTIFIED SHORTHAND REPORTER [CSR]:

Currently, production time and costs are borne by the certified shorthand reporter at a savings to the State of California.

Production time spent by the CSR is usually after hours and weekends

The court is not responsible to pay overtime, regardless of hours spent working to meet mandated time requirements.

Production costs paid by the CSR include the following:

- Hardware, including but not limited to**
- Stenograph machines, computers, printers, archive peripherals**
- Supplies, including but not limited to**
- Home offices, paper, toner, transcript covers, office supplies**
- Copying fees at third-party establishments**
- Specialized software**
- Technical training, support, upgrade fees, continuing education**
- Hiring, training, and maintaining support personnel**
- Proofreaders, scopists, clerical staff**
- Billing – accounts payable/accounts receivable**
- Delivery of transcripts**
- Maintaining archives for mandated ten-year time period**

CSRs provide for the California community:

CSRs earned \$26 million for the State of California in civil filing fees in fiscal year 2006.

CSRs, through their annual licensing fees, contribute to the Transcript Reimbursement Fund, enabling those who are indigent to be reimbursed for the cost of their transcripts.

ANALOG, DIGITAL, OR VIDEO RECORDING [ER]:

If installing ER equipment in the courtrooms, the courts must pay for any equipment,

employees/ER monitors, upgrades, insurance, and technical maintenance contracts.

If the court maintains ownership of the CD, cassette, or videotape, personnel must be hired to facilitate the storage of records, the requests for transcripts, and all office administrative duties involved in producing a transcript for the public.

Monitors of ER equipment and transcribers are not state licensed by the Department of Consumer Affairs in the State of California and, therefore, aren't held to the same standards of a CSR for transcript production.

If ER equipment is utilized, the courts will not earn the civil filing fees CSRs earn for the State every year, resulting in a loss of between \$26 million and \$49 million in fees.

The Transcript Reimbursement Fund will lose its revenue stream, making it impossible for indigent clients to turn to CSRs for relief in transcript fees.

Recording firms must contract with a realtime CSR in order to provide realtime in compliance with the Americans with Disabilities Act.

It takes ER transcribers much longer to produce a transcript. Most charge by the hour, and they are not held to the same standards as a CSR licensed by the State of California.

SHORTHAND COURT REPORTERS – BEST IN NATIONWIDE TEST!

Courts have been introducing various forms of ER to keep the record over the past few decades. The reason for replacing court reporters with recording devices is always the supposed cost savings; no one has ever cited more accurate or timely transcripts as a motivating factor.

States that have implemented recording systems have found them to be fraught with problems. The incidence of equipment failure continues to be high, even as the technology has advanced from tape systems to digital systems. The quality, accuracy, and timeliness of transcripts have sharply declined.

Courts are realizing the value of certified shorthand reporters in keeping the official record.

TEXAS:

When trying cases as an attorney, Judge Elect Richard W.B. Davis found “the records out of the 272nd District Court were not as accurate”¹⁰ when the transcripts came from an audio recording.

With an open mind toward ER, Judge Elect Richard W.B. Davis wrote an eight-page analysis of ER versus using a certified shorthand reporter. He then **insisted** on staffing a certified shorthand reporter.

Within that analysis is an evaluation of three transcripts; one nine-volume transcript of 1,288 pages completed by a certified shorthand reporter, one six-volume transcript of 717 pages completed by a transcribing firm, and one three-volume transcript of 304 pages completed by a transcribing firm.

Judge Elect Davis’ results and opinion are as follows:

Case	Volumes of Transcribed Proceedings	Total Number of Pages Transcribed	Instances of Inaudible or Indiscernible Speech	Average Errors Per Page (expressed as percentage)
State v. Robinson (the OCA case) Reported by a certified shorthand reporter	9	1,288	8	0.62
State v. Smith (the drug case) Recorded by ER	6	717	171	23.85
State v. Nutall (the robbery case) Recorded by ER	3	304	45	14.80

¹⁰ Letter, from Judge Elect Richard W.B. Davis to Al Jones, County Judge, and Precincts 1 through 4 in Bryan, Texas.

“Court Reporter for the 272nd District Court,” 12/14/00

“Based on this rough sampling, the error rate of electronic recording is generally more than 20 times greater (or 2000%) when contrasted with computer aided court reporting. Some may argue that a total error rate of 14% to 24% is small enough. However, we should be striving to work toward error free transcriptions, and sometimes an appeal can hinge *on the accurate recording of a few words*. I should note that the instances of inaudible or indiscernible speech were counted by hand where the parenthetical word appears. After I reviewed the Statements of Facts in the Smith and Nutall cases, I detected numerous other errors that would not be readily apparent to the ordinary reviewer.”¹¹

COLORADO:

In 2002, the state of Colorado was in the midst of a budget crisis. Eliminating the state’s court reporters was among the suggestions made for helping to balance the budget. Recording systems were introduced into courtrooms in early 2003, and soon after, the El Paso County Bar Association issued a resolution in favor of retaining shorthand court reporters.

“Since the founding of the court system in Colorado, court reporters have been utilized to assure accurate recordings of the matters conducted in the courtroom...”

“Court reporters are being replaced by audio-recording devices in El Paso County and electronic recording devices are proving unsatisfactory for the purpose of having a verbatim report of proceedings; i.e., the devices sometimes fail or the recordation is unintelligible...”

“The El Paso County Bar Association strongly supports the use of court reporters as a means to protect the due process rights of litigants...”

As a result, the following conclusions were made:

¹¹ Letter, from Judge Elect Richard W.B. Davis to Al Jones, County Judge, and Precincts 1 through 4 in Bryan, Texas.

“Court Reporter for the 272nd District Court,” 12/14/00

“WHEREFORE, BE IT RESOLVED:

“That the El Paso County Bar Association is committed to using the time-tested method of reporting of trials in the district courts in El Paso County and the State of Colorado, to wit: court reporters.

“That the El Paso County Bar Association will promote the use of court reporters to preserve and protect the quality of justice in El Paso County and in the State of Colorado.”¹²

NEW MEXICO:

New Mexico was one of the first states to fully replace its court reporters with audio recording. In 2001, after decades of problems, including retrials because of system failures and a huge backlog in transcript preparation, the state began reinstating certified shorthand reporters to keep the record.

In April of 2008, Supreme Court Order No. 08-8500 was issued, finding that:

“WHEREAS, Court’s order issued October 30, 2001, declared a judicial policy of encouraging the use of certified court reporters in all district court trials to facilitate the preparation of written transcripts and expedite the processing of appeals, and to improve the quality of appellate review;”

“WHEREAS, no good reason continues to exist why criminal trials should not be taken stenographically in all district courts.....”

“NOW, THEREFORE, IT IS ORDERED that in all district courts, certified court reporters, to the extent available, shall take all trials stenographically...”

“IT IS FURTHER ORDERED that, consistent with this Court’s adoption of the Implementation Plan and Schedule whereby in 2001 the use of audio-tape monitors would be largely phased out, to the extent possible, written transcripts should be provided in a timely, efficient manner in all appealed cases, whether criminal or civil.”¹³

¹² President, Thomas J. Herd, 2003, Resolution of the El Paso County Bar Association

¹³ In the Supreme Court of the State of New Mexico, No. 08-8500, April 2008

DIGITAL RECORDING MISHAPS

CONVICTION REVERSED BY COURT OF APPEALS - NEW TRIAL IS SET, ALL AT A COST TO FLORIDA TAXPAYERS:

More taxpayer money is spent on a minor's probation violation because the recording equipment wasn't recording minor's proceedings.

Appellant appealed a conviction and filed a motion for a new trial. This appeal was granted by the Fifth District Court of Appeals in Florida on December 19th, 2008, because there wasn't any ability to review any portion of the adjudicatory proceeding on appeal.

“...no audible recording pertaining to the violation of probation proceeding was made below because the judge inadvertently turned off the recording at the beginning of the hearing.”¹⁴

AUDIO OF SECRET PROCEEDINGS MISTAKENLY BROADCAST OUTSIDE COURTROOM IN HIGHLY-PUBLICIZED ANTHONY CASE:

Casey Anthony Indicted On First-Degree Murder Charge, Arrested

In the highly-publicized case of Casey Anthony and the disappearance of her daughter, Caylee, out of Florida, bad publicity about the justice system hit the newsstands on October 14th, 2008.

“...before the indictment, Local 6 crews realized that audio from the grand jury's secret meeting on the 23rd floor of the Orange County courthouse was being piped out of the building.

“Court officers and the state attorney's office were immediately notified of the breach.”

¹⁴ S.R.J., a child, Appellant, v. STATE of Florida, Appellee. No. 5D08-1857. December 19, 2008

“After a flurry of activity that could be witnessed outside the grand jury room, the audio feed was cut off and proceedings were suspended.”

“There is so much that should not have been leaked and has. It is making a joke of the whole situation. It is a sad day for justice.”¹⁵

DIGITAL RECORDER PICKS UP “PRIVATE” CONVERSATIONS:

Think you're having a private conversation with your client? Think again. Digital recorders in the courtrooms have been recording attorney/client conversations. This has been happening in Oregon since they replaced most of their court reporters with digital recording.

"That means anyone can buy a \$10 copy of the public record on compact disc and eavesdrop on private lawyer-client conferences."¹⁶

MISTRIAL CAUSED BY RECORDING FAILURE:

After a six-day trial, it is not unheard of for a jury to request testimony to be read back. Actually, this happens quite frequently. The court reporter reads back the requested testimony and the jury is able to finish deliberations and come to a conclusion. In Essex County, New Jersey, this simple task turned into a nightmare for one medical malpractice plaintiff. Due to a faulty recording system, crucial testimony was lost and the jury was unable to come to a verdict, resulting in the judge declaring a mistrial.

"About two hours after the jury began [deliberations], it requested a playback of the cross-examination of a defense expert. But when a clerk played the tape, it was inaudible."¹⁷

¹⁵ <http://www.clickorlando.com/news/17715337/detail.html>, October 14, 2008

¹⁶ *The Oregonian*, copyright 2004, Oregonian Publishing Co.

¹⁷ New Jersey Law Journal, November 5, 2007

The plaintiff and defendants had entered into a high-low agreement prior to trial, which did not allow for a retrial.

VERDICT OVERTURNED DUE TO RECORDING FAILURE:

"Bellingham prosecutors will decide this month whether to retry a man whose molestation conviction was overturned because a court clerk forgot to turn on a tape recorder during testimony."¹⁸

Thirty-six minutes of testimony was missing in the case against N. Tilton, who was charged with molesting a six-year-old boy. Washington State Supreme Court unanimously ruled to overturn the conviction. Due to faulty recording systems, not only time and money are wasted, but the long-lasting effects on the victims must be taken into consideration. It is bad enough to put a child up on the stand and testify in front of a jury once, but to have to do it again is a true injustice.

BUNGLED TRANSCRIPTS LEAD TO RETRIALS:

In Broward County, Florida, inaudible testimony and other glitches in the county's electronic court reporting system has caused numerous re-trials.

"Sarah Sandler, a Broward assistant public defender in the appeals division, says she has seen numerous defendants get new trials because of bungled transcripts. She cited at least six instances in the last year, ranging from misdemeanor cases to felony robbery and burglary."¹⁹

The cost of these new trials falls on the taxpayers. Thousands of dollars are spent on re-trying cases. It is very frustrating for all parties involved.

ER IN FLORIDA FAILS AGAIN:

¹⁸ Yakima Herald-Republic, July 17, 2003

¹⁹ South Florida Sun-Sentinel, May 20, 2007

According to the May 29, 2008, Naples Florida News, a digital recording system failed, once again, to record proceedings.

"A three-hour hearing held in September 2005 in a murder case was found to have not been recorded, stalling an appeal of the case."²⁰

WILL THE COURT OF APPEALS BE ABLE TO PROCEED WITH ALL THE DELAYS AND INACCURACIES?

A typical shorthand reporter using Computer Aided Transcription [CAT] produces 25-30 more pages of transcript an hour. Typical ER transcribers can produce 8-10 pages an hour.²¹

This results in delays and backup, all costly to the State of California.

Courts attempting to pay "statutory" fees for electronic recording transcripts in the U.S. find that many transcription services charge more because it takes longer to transcribe.

Offshore transcribers in the Philippines and India may charge less, but, as noted in "Offshore Scopists: Swimming with the 'Skid Marks'" by Linda Evenson,²² there is no savings to the American public and those involved in the legal/medical system.

"When they [trainees with university degrees from the Philippines] had almost completed training, I proofread some files. I suddenly realized that we had a real problem."

The costs come later, when cases need to be retried or dismissed because these offshore transcribers make too many errors.

²⁰ Naples Florida News, May 29, 2008

²¹ "A Comparison of Transcript Costs: Court Reporters vs. Electronic Recording," COCRA Review of the 2003/04 California Judiciary Budget Bill

²² *Journal of Court Reporting*, "Offshore Scopists: Swimming with the 'Skid Marks,'" Linda Evenson, February 2008

“We all know that the audio fails and multiple speakers gum up the works. And if you can’t read notes [legal CSR steno notes] well and don’t have a thorough understanding of the language, you may end up between a ‘rack and a hard plays.’”

LET THE RECORD REFLECT - MISPELLINGS, MISUSE OF TERMINOLOGY, "INAUDIBLES," "UNTRANSLATES" & "UNINTELLIGIBLES"

"Digital audio records sounds, not words. When several participants in the proceeding speak at once or there is a great deal of background noise, "inaudibles" are common, bringing the [DR] recording's value and integrity into question."²³

An "inaudible" or "untranslate" is what the transcriber types in place of the word/phrase that was said for the record; thus showing that DR monitors should not replace a CSR.

Why shouldn't they replace the CSR? Because the CSR hears what is said and knows if his/her hands did or did not type that word or phrase. The CSR then has the ability to stop everyone and clarify; i.e., maintain the integrity of the record.

Of the many examples in COCRA's database, below is just one example of the problems with DR.

Ubiquis/Nation-Wide Reporting & Convention coverage, of New York, prepared a transcript from a DR CD for the Superior Court of California, County of Santa Cruz, on June 12th, 2007, using a DR transcriber.

There are too many misspellings, misuses of terminology, "inaudibles," "untranslates," and "unintelligibles" throughout the 201 pages to list. However, several direct quotes in the first 26 pages of this transcript tell you, the reader, the following:

The DR monitor did not realize the microphones weren't picking up what speakers were saying

²³ National Court Reporters Association, "CORE Messages," July 2008

The typist/transcriber was not in the courtroom at the time of the proceeding
The typist/transcriber is not familiar with California names/streets, or did not take the opportunity to research the many reference sites available to find proper spellings
The typist/transcriber does not have a proper grasp of punctuation or proper grammar
The typist was not aware that the audio recording of a police interview played in the courtroom was already in transcript form. This negated any necessity for typing that portion into the transcript, resulting in more transcript pages charged to the State of California. Additionally, there would be discrepancies between the two transcripts. Below are excerpts from the first 26 pages of *The People of the State of California versus Michael Jock Glassel*, case number M33669, before the Honorable Paul Marigonda, on January 31st, 2007, in the County of Santa Cruz.²⁴

Misspellings/grammar

Title page and throughout transcript, the defendant's name - Michael Jock "Galassel" should be "Glassel"

Page 3, line 25 - "except you're your attorney"

Page 3, line 10 - "Ms., uh, Oven"

Page 4, line 23 - "You're honor"

Page 5, line 19 - "THE COURT: You are you feeling to day Mr. Vinluan?"

Page 6, line 12 - "THE COURT: ...she can sit the Courtroom"

Page 18, line 3 - "Glen Dairy is the cross street"

Page 24, line 10 - "Okay. And did you meet with me with morning"

Inaudibles" and "Untranslates"

Page 9, lines 9 to 13 - "Um, directly across the street is Henry Kelb (phonetic), Redwood State Park, and to the right of me is, um, a ravine with a creek, and to the left is a cross street (unintelligible)."

Page 19, lines 3 to 6 - "And, um-and this is the first one that I've shown. (Unintelligible) counsel. If it could be marked as" ...

Page 19, lines 24 to 25 - "And, uh, can you take a, um, black marker here, uh, (inaudible) it's a black marker, and can you"...

Page 20, lines 4 to 6 - "Perhaps it's a little hard to see, but (unintelligible) home. Okay. And, um, let's see."

²⁴ COCRA database, *People vs. Glassel*, case no. M33669, before the Honorable Paul Marigonda, January 31, 2007

Page 20, lines 12 to 13 - "Ms. Biscotti, I ask that you take a look at these two.
(Unintelligible) looking at them."

Page 22, lines 12 to 13 - "...more photos to show you, which, again, I'm showing to the
defense attorney. (Inaudible) has received."

Page 25, line 2 - "THE COURT: (Unintelligible)."

Page 26, lines 16 to 23 –

"Q. Okay. Do you recall being interviewed by my investigator, Christina -- "A.
(Interposing) Yes.

"Q. – (unintelligible)?

"(Background Noise; coughing)

"Q. Do you recall ever telling her that that was the main reason why you called this –
(Background Noise; coughing)

"Q. --this yelling persisted and you were getting nervous and it was getting dark
outside?"

TRANSCRIPT RATES - HOW MUCH MONEY WOULD YOU SAVE SWITCHING TO DIGITAL RECORDING?

Savings do not outweigh costs when implementing digital recording services as opposed
to continuing with the technology services offered by the CSR.

As stated in "Digital Recording Mishaps," pages 12 – 13, and "Shorthand Court
Reporters – Best in Nationwide Test!" pages 9 - 11, one can see the benefits in using
the best technology out there, the CSR.

It takes ER transcribers much longer to produce a transcript. The transcripts are filled
with "inaudibles" and "untranslates," resulting in delays and costs to the public and the
Court of Appeals.

Below are examples of transcript rates charged in California today. On average, 60
minutes' worth of audio recording or CSR reporting produces 30 to 35 pages.

CSR TRANSCRIPTION RATES:

CSRs AND REALTIME CSRs

Summary of service:

Provide voice-to-text reporting of public/confidential proceedings

Produce verbatim, accurate records

Rates based on 1990 California Government Code section 69950

Presentations dealing with highly scientific terminology and/or many diverse accents

Standard Rate* \$2.50 per page for the original page

Copy Rates* \$0.50 per page for the first copy

\$0.38 per page for any copies thereafter

Average cost based on 30-35 pages - \$75 - \$87.50

*Based on a 2.5 folio rate.

Certified shorthand reporter fees based on 1990 rates per California Government Code section 69950. The detailed language is as follows:

"Current law specifies that stenographic reporters be compensated at a folio rate for the transcripts produced. A folio is comprised of 100 words. Specifically, California Government Code section 69950 provides the basis for calculating the fee for a transcript. It states,

(a) The fee for transcription for original ribbon or printed copy is eighty-five cents (\$0.85) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, fifteen cents (\$0.15) for each 100 words.

(b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, purchased at the same time, fifteen cents (\$0.15) for each 100 words."²⁵

²⁵ <http://www.courtinfo.ca.gov/jc/documents/reports/0205item7.pdf>

AUDIO TRANSCRIPTION RATES:

Escriptionist

Summary of service:

Any audio with 4 or more speakers

Charges per minute of audio

Presentations dealing with highly scientific terminology and/or many diverse accents

Standard Rate \$3.00/minute

Rush \$4.00/minute²⁶

Average cost based on 30-35 pages - \$180 - \$240

Fantastic Transcripts

Summary of service:

Audio of legal or medical material

Charges per hour of audio

Standard Rate \$35 per hour of audio - one hour of audio takes six to seven hours of work time to complete²⁷

Average cost based on 30-35 pages - \$210 - \$245

Ubiquis

Summary of service:

Audio transcription from FTR Gold

Charges per hour of audio

Standard Rate 3 - 5 business days = \$139 per hour of audio

2 business days = \$199 per hour of audio

next business day = \$299 per hour of audio²⁸

Average cost based on 30-35 pages - \$139 - \$299

²⁶ <http://www.escriptionist.com>

²⁷ <http://www.fantastictranscripts.com>

²⁸ Jeff Horwitz of Ubiquis, Irvine, CA, 9/5/08

CONCLUSION

Once again, thank you for reviewing this report.

As stated before, the information in this COCRA packet is current and **based on fact, not speculation.**

Please support your certified shorthand reporters who utilize the most advanced form of technology available today and continue to provide a cost-effective, timely, accurate, and reliable work product to attorneys, judges, and the public.

If you have any questions, concerns, suggestions, or would like to keep up to date with what is occurring in the reporting community, please go to our website at www.cocra.org.

Truly,

-THE COCRA TEAM